

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Steven B. Pollack and)	
Blue Eco Legal Council,)	
)	
Plaintiffs,)	Case Number: 08-cv-320
)	Assigned Judge: Guzman
v.)	Magistrate Judge: Brown
)	
United States Department of Justice,)	
United States Coast Guard,)	CWA, RCRA, CERCLA, AND
United States Navy,)	PUBLIC NUISANCE FTCA CASE
United States Marines, and)	
United States Department of Defense,)	
)	
Defendants.)	

PLAINTIFFS' OPPOSITION TO DEFENDANTS'
STATUS HEARING STATEMENT

Defendants renewed their motion to delay Plaintiffs’ motion for preliminary injunction as part of a “status hearing statement.” Defendants ask the Court to first rule on Plaintiffs’ standing to bring suit as part of their later filed motion to dismiss. This is the second time Defendants make this request. The first was at the May 1, 2008 hearing and the Court denied it.

Plaintiffs oppose this delay because it is not necessary. Plaintiffs fully briefed the issue of standing in their Reply brief. For example, the Reply incorporated an affidavit of Blue Eco membership showing it has members from North Chicago, (including Mayor Leon Rockingham Jr.).

In fact, Plaintiffs plan to rely on these same standing arguments for the motion to dismiss. The issue of standing can therefore be decided based entirely on the fully briefed preliminary injunction motion.

Plaintiffs' Reply brief also covers the veracity of Defendants' past assertions to the Court and Plaintiffs urge the Court to review this document before making any decision on Defendants' renewed motion to delay Plaintiffs motion for preliminary injunction.

CONCLUSION

Plaintiffs therefore ask this Court to decide the issue of standing as part of Plaintiffs motion for preliminary injunction.

Respectfully submitted,

/s/ Steven B. Pollack
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CERTIFICATE OF SERVICE

I hereby certify that on the date below the foregoing **PLAINTIFFS' STATUS HEARING STATEMENT** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: May 16, 2008

/s/Steven B. Pollack
Counsel for Plaintiffs